

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**FILED**

MAURICE WHICHARD

CIVIL ACTION

NOV 14 2008

v.

MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

JAMES McGRADY, *et al.*

NO. 08-1642

**ORDER**

AND NOW, this 14<sup>th</sup> day of November, 2008, upon consideration of the Petition for Writ of Habeas Corpus and the Commonwealth's Response, inclusive of all exhibits thereto, the other documents filed by the parties and after review of the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The Petition for Writ of Habeas Corpus is DISMISSED (grounds one through four) and DENIED (ground five) without an evidentiary hearing; and
3. Petitioner has neither shown a denial of a constitutional right, nor established that reasonable jurists would disagree with this court's disposition of his claims. Consequently, a certificate of appealability is DENIED.

IT IS SO ORDERED.

BY THE COURT:

  
MARY A. McLAUGHLIN, J.